

REMARKS

Reconsideration and further prosecution of the above identified application are respectfully requested in view of the discussion that follows. Claims 1-40 are pending in this Application. Claims 1-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,611,590 to Lu et al. ("Lu") in view of U.S. Pat. No. 5,724,406 to Juster in view of Barnes et al. (U.S. Pat. No. 6,757,731) and further in view of Childress et al. (U.S. Pat. No. 4,682,367). After careful review of the claims and the cited art, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claims 1-40 have been rejected as obvious over Lu, Juster, Barnes et al. and Childress et al. Lu is directed to an Internet Interface Controller that merely routes calls but does not perform agent selection based upon call type nor does it determine the received call type. Further, as the Office Action concedes Lu does not disclose independently spawning a call processing application based upon the determined call type and upon the selected agent coupled to a protocol stack at each end. The Office Action asserts, however, that Juster does disclose the independently spawning of the dual protocol coupled call processing application. However, while Juster discloses a

messaging system, it doesn't disclose a call processing application with a first end of the call processing application operatively coupled to a predetermined protocol stack of the selected agent and with a second end of the call processing application operatively coupled to a protocol stack of the client. Juster merely executes call processing services based upon corresponding records of configured call processing primitives and parameters (Col. 3, lines 10-12). No protocol stacks are described. Thus, Juster executes call processing services built of primitives selected by the system operator from a collection of call processing primitives each of which performs a simple operation (Col. 5, lines 13-33). A layered software architecture of software managers, such as the call processing manager (CPM), implement call processing (Col. 15, lines 1-12). Juster, however, does not disclose protocol stacks of an agent and of the client, selecting an agent, spawning a call processing application based upon the selected agent (because there is no selected agent), or a call processing application having a first end operatively coupled to a predetermined protocol stack of the selected agent and a second end operating coupled to the protocol stack of the client.

The cited description, at Col. 2, lines 3-33 of Juster merely describes the call processing primitives and the state table that provide the sequence for the call processing service

or application. The cited description at Col. 3, lines 10-36 describes the layers of software managers (e.g. CPM, TCM) used to execute call processing services. Similarly, the cited Col. 16, lines 11-26 merely describe the initiation of a call, and Col. 17, lines 20-37 describes the telephony channel manager (TCM). However, none of these sections describes as call processing application with a first end coupled to an agent protocol stacks and a second end coupled to a client protocol stack. Thus, Juster does not disclose the claimed protocol stack of the agent and protocol stack of the client operatively coupled to first and second end of a call processing application. Thus, the call processing of Juster concerns a completely different function from the application coupled dual protocol stacks of the claims. Because these features are not disclosed by any of the cited references, claims 1-40 are distinguishable over any combination of the cited references.

Further, the Office Action states that, Juster and Lu do not disclose a protocol stack of the agent and protocol stack of the client being disposed inside the private computer network and wherein communication between the predetermined protocol stack of the agent and protocol stack of the client operates under a first protocol and communication between the protocol stack of the client and the client through the public communication network operates under a second protocol, but asserts that Barnes does

disclose this feature. However, the Juster system does not concern multiple protocols or protocol stacks. Thus, because Juster does not concern multiple protocols, there would be no use for a protocol stack of the agent and protocol stack of the client . . . disposed within the private computer network. Thus, there is no motivation or suggestion to combine Barnes et al. protocol stacks with Juster. Even if combined, there is no teaching or suggestion of an agent stack and a client stock structure coupled to each end of the application as claimed. The reliance on the advantages of the invention as taught by the inventor as a motivation is merely improper hindsight use of the teachings of the application to construct a configuration which is neither taught nor suggested by the references. Therefore, the references cannot be properly combined and the claims are further distinguishable for this reason. Further, while Barnes et al. discloses interfacing protocol stacks in a communications network, it does not provide a suggestion to combine its protocol stacks system with the single end-to-end systems of Lu and Juster.

In addition, in Barnes et al., protocol messages generated by the first protocol stack 211 are sent to the second protocol stack 221 via the VCCT subsystem 270 (Col. 4, lines 50-53) and are internally interconnected via the VCCT subsystem (Col. 12, lines 26-28). Thus, Barnes et al. protocol stacks are physically

connected by a VCCCT subsystem not coupled by an independently spawned application operatively coupled to a protocol stack of the agent and to the protocol stack of the client. Further, Barnes et al. does not disclose coupling a first end to a protocol stack of the agent and a second end to the protocol stack of the client.

The Office Action also concedes that neither Lu, Juster, nor Barnes disclose the claimed continuously scanning idle input stack locations of a protocol stack but asserts that this feature is disclosed by Childress. Childress concerns a mobile radio scanner and the cited portions (Col 8, lines 16-33 and Col. 9, lines 22-33, Col. 18, lines 29-44 and Col. 20, lines, 51-65) merely describe a radio scanner which scans the repeater transceiver frequencies to determine if there is a radio signal that exceeds a threshold radio signal strength. This does not, however, describe in any way the claimed scanning of idle input stack locations of the client protocol stacks in Childress. For example, there are not protocol stacks, or idle stack locations being scanned in Childress. Nor is there any teaching, suggestion or motivation to combine this radio scanner with the systems of Lu, Juster or Barnes. Such a radio scanning system would be of no use with the systems of the other cited references or the claimed system. Thus, Childress does not disclose the claimed features and is not properly combinable. Accordingly the

claims 1-40 are believed to be further distinguishable for these reasons as well.

Since the combination of Lu, Juster, Barnes et al. and Childress et al. fails to provide any teaching of independently spawning a call processing application, continuously scanning idle input stack locations, or an application operatively coupled to the protocol stack of the agent and to the protocol stack of the client, the combination fails to teach or suggest each and every claim limitation. Because the combination fails to teach or suggest each and every claim limitation, the claims are distinguishable over the combination of cited references. In addition, since Juster operates under a single protocol, there is no motivation, or suggestion to combine Barnes et al. protocol stacks with Juster. Accordingly, claims 1-40 are believed to be distinguishable over the cited references.

The allowance of claims 1-40 as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By

James A. Scheer

Registration No. 29,434

April 17, 2007
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500